

Planning Committee/Recycling Board Members

Laura McKaughan, **President**
Recycling Materials Processing Industry

Dan Kalb, **1st Vice President**
ACWMA

Eric Havel, **2nd Vice President**
Environmental Educator

Bob Carling, ACWMA

Darby Hoover, Environmental Organization

Tracy Jensen, ACWMA

Chiman Lee, Recycling Programs

Grace Liao, Source Reduction Specialist

David Mourra, ACWMA

Fred Simon, ACWMA

Talia Wise, Solid Waste Industry Representative

Timothy Burroughs, Executive Director

AGENDA
MEETING OF THE
PLANNING COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD

Thursday, February 9, 2023

6:00 P.M.

TELECONFERENCE MEETING

Teleconference/Public Participation Information to Mitigate the Spread of COVID-19:

This meeting will be held entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Brown Act, which was amended by AB 361, suspending certain teleconference rules due to the ongoing state of emergency and state and local health officials recommendations to maintain social distancing. The purpose of these amendments was to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Members of the public may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 and using the webinar id 864 2488 9621
2. Using the [Zoom](#) website or App and entering meeting code 864 2488 9621

Board members and any other individuals scheduled to speak at the meeting will be sent a unique link via email to access the meeting as a panelist. All Board members **MUST** use their unique link to attend the meeting. During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. Public comment is generally limited to three minutes per person for each agenda item. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than noon Thursday, February 9, 2023. The public may also comment by sending an e-mail to publiccomment@stopwaste.org. Written public comment will be accepted until 3:00 p.m. on the day prior to the scheduled meeting. Copies of all written comments submitted by the deadline above will be provided to each Board Member and will be added to the official record. Comments will not be read into the record.

In accordance with the Americans with Disabilities Act and Brown Act, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENT

IV. OPEN PUBLIC COMMENT

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.

Page	V. CONSENT CALENDAR
1	1. Approval of the Draft PC & RB Minutes of January 12, 2023
3	2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361 Adopt Resolution #RB 2023-02.
7	3. Request by City of Berkeley to utilize Measure D funds for a Contract Exceeding Five Years (Jennifer West) Approve the City of Berkeley's request to utilize Measure D funds to pay for a contract with an initial five-year term, with the option to extend the contract for another five years (for a total of 10 years) for the hauling, sorting, recycling, and marketing services of C&D materials.
9	4. Board Attendance Record
11	5. Written Report of Ex Parte Communications
	VI. REGULAR CALENDAR
13	1. Waste Prevention Grants Update and Grantee Presentations (Meri Soll & Cassie Bartholomew) This item is for information only.
	VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR
	VIII. ADJOURNMENT – to March 9, 2023 at 4:00 p.m.

DRAFT

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

Thursday, January 12, 2023

4:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President McKaughan called the meeting to order at 4:00 p.m. Timothy Burroughs explained the virtual meeting process being utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#). Mr. Burroughs announced that Board member Zermeño was attending his final meeting on the Recycling Board and thanked him for his service. Board member Zermeño will return to the Programs & Administration Committee. Mr. Burroughs announced that in-person/hybrid meetings would resume in March and provided an overview of the meeting process.

II. ROLL CALL OF ATTENDANCE

Bob Carling, ACWMA
Eric Havel, Environmental Educator
Darby Hoover, Environmental Organization
Dan Kalb, ACWMA
Chiman Lee, Recycling Programs
Grace Liao, Source Reduction Specialist
Laura McKaughan, Recycling Materials Processing Industry (President)
Talia Wise, Solid Waste Industry Representative
Francisco Zermeño, ACWMA

Staff Present:

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Justin Lehrer, Operations Manager
Alma Freeman, Communications Manager
Jennifer Luong, Financial Services Manager
Arliss Dunn, Clerk of the Board
Farand Kan, Deputy County Counsel

Others Present:

Samo Michel, Badawi & Associates

III. ANNOUNCEMENTS BY THE PRESIDENT

There were none.

IV. OPEN PUBLIC COMMENT

There were no public comments on the remote call and no public comments were received via the public comments email address.

V. CONSENT CALENDAR

- 1. Approval of the Draft PC & RB Minutes of December 8, 2022**
- 2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361**
Adopt Resolution #RB 2023-01.
- 3. Board Attendance Record**
- 4. Written Report of Ex Parte Communication**

There were no public comments for the Consent Calendar. Board member Lee moved approval of the Consent Calendar. Board member Wise seconded and the motion carried 9-0. The Clerk called the roll: (Ayes: Carling, Havel, Hoover, Kalb, Lee, Liao, McKaughan, Wise, Zermeño. Nays: None. Abstain: None. Absent: None).

VI. REGULAR CALENDAR

1. Fiscal Year 2021-22 Audit Report (Pat Cabrera & Jennifer Luong)

Staff recommends that the Recycling Board accept and file the FY 21-22 audit report.

Timothy Burroughs introduced the item and Pat Cabrera provided an overview of the staff report. A link to the report is available here: [FY21-22-Audit-Report-Memo.pdf](#)

Ms. Cabrera acknowledged Agency staff for their efforts in managing the Agency's finances to ensure a clean audit with no exceptions or recommendations for improvements of internal controls. The audited financial statements also verified that the Agency is in a solid financial position as of FY 21-22. The finance staff is comprised of Jennifer Luong, Finance Services Manager; Soudy Abbasi, Accountant; Jenny O'Brien, Senior Administrative Assistant; and Nisha Patel, Management Analyst. Samo Michel from Badawi and Associates was available to answer any questions.

Additional time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [FY21-22-Audit-Report-Discussion](#)

There were no public comments for this item. Board member Havel moved approval that the Recycling Board accept and file the FY 21-22 audit report. President McKaughan seconded and the motion carried 9-0. The Clerk called the roll:

(Ayes: Carling, Havel, Hoover, Kalb, Lee, Liao, McKaughan, Wise, Zermeño. Nays: None. Abstain: None. Absent: None).

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Mr. Burroughs announced that the 2023 grant solicitation will begin on January 12, 2023. There is \$1.1 million available in multiple focus areas such as waste prevention and reuse; recovery of food, goods, and materials; and development, marketing, and use of recovered products. Staff will provide additional information to the Board as well as outreach tools to help spread the word.

In honor of the upcoming Martin Luther King Jr. holiday on Monday, January 16, President McKaughan encouraged board members to seek out opportunities to volunteer and give back to the community.

VIII. ADJOURNMENT – to February 9, 2023 at 6:00 pm.

The meeting adjourned at 4:25 p.m.



DATE: February 9, 2023

TO: Recycling Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

SUMMARY

On September 16, 2021, the Governor signed into law as an urgency measure, AB 361 (Rivas), which allows local legislative bodies to continue to meet by teleconference in order to promote public health and safety, subject to certain conditions, which must be reconsidered every 30 days. At its February 9, 2023, meeting, the Recycling Board will consider a resolution to approve and direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed.

DISCUSSION

In light of the continued state of emergency declared by the Governor related to COVID-19, state and local officials have imposed or recommended measures to promote social distancing. This direction from state and local health officials is based on the increased safety protection that social distancing provides as one method to reduce the risk of COVID-19 transmission.

The state of emergency and associated direction from state and local health officials to promote social distancing continues to impact the ability for the Recycling Board to meet safely in person. The direction from public health officials that informs the findings in the attached resolution has not changed. Therefore, staff recommends that the Recycling Board approve the attached resolution to direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed. The Recycling Board will need to revisit the need to conduct meetings remotely at least every 30 days following adoption of the attached resolution.

RECOMMENDATION

Adopt resolution #RB 2023-02.

Attachment: Alameda County Recycling Board Resolution #RB 2023-02

**ALAMEDA COUNTY RECYCLING BOARD
RESOLUTION #RB 2023-02**

**MOVED:
SECONDED:**

AT THE MEETING HELD FEBRUARY 9, 2023

WHEREAS, in response to the COVID-19 pandemic, the Governor adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Brown Act were followed; and

WHEREAS, on September 16, 2021, the Governor signed into law as an urgency measure, AB 361, which allows for the continued use of remote meetings by local legislative bodies subject to certain conditions, which must be reconsidered every 30 days; and

WHEREAS, the Recycling Board has considered the current state of health guidance related to public meetings in Alameda County and finds it necessary to continue with remote meetings to promote public health and safety.

NOW THEREFORE BE IT RESOLVED, that the Recycling Board approves and directs the continued use of teleconferencing for its public meetings based on the following findings required by Government Code Section 54953(e), as amended by AB 361:

- The entire State of California remains under a proclaimed state of emergency as declared by the Governor of the State of California related to the COVID-19 pandemic.
- State and local officials have imposed or recommended measures to promote social distancing. For example, on September 23 the Alameda County Health Care Services Agency Director recommended social distancing at all meetings of the Board of Supervisors and its committees. This recommendation is consistent with the Division of Occupational Safety and Health of California's (Cal/OSHA) Emergency Temporary Standards, which require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D).).
- The state of emergency continues to directly impact the ability to meet safely in person. For example, given the constraints of the Recycling Board's available meeting spaces, social distancing is difficult without severely limiting space for members of the public to attend.
- The Board anticipates this resolution will appear on its consent calendar for review and ratification or update at each regular Board meeting for as long as the Governor's proclaimed state of emergency related to the COVID-19 pandemic remains in effect and the Board desires to continue remote public meetings.

BE IT FURTHER RESOLVED, that:

1. Recycling Board meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, to better ensure the health and safety of the public.
2. The Recycling Board will reconsider the circumstances of the state of emergency and the need to conduct meetings remotely at least every 30 days following adoption of this resolution.
3. If the Board determines the need still exists at each 30-day mark, the determination will be ratified by a vote of the Board documented in the minutes of that meeting.

Passed and adopted this 9th day of February 2023 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board

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2023 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
B. Carling	X											
E. Havel	X											
D. Hoover	X											
C. Lee	X											
D. Kalb	X											
G. Liao	X											
L. McKaughan	X											
T. Wise	X											
F. Zermeño	X											
INTERIM APPOINTEES												

Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

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DATE: February 9, 2023

TO: Recycling Board

FROM: Jennifer West, Program Manager

SUBJECT: Request by City of Berkeley to utilize Measure D funds for a contract exceeding five years

SUMMARY

The Recycling Board has adopted certain Measure D implementation policies and procedures related to the use of recycling fund monies for contracts longer than five years. Per [Resolution RB 98-3](#), the Recycling Board must approve a request for any contract longer than five years. As such, the City of Berkeley is submitting to the Recycling Board a request to utilize Measure D funds to pay for a five-year contract, with the option to extend the contract for another five years (for a total of 10 years) for the hauling, sorting, recycling, and marketing services of construction and demolition debris materials (C&D). Rather than being landfilled, C&D materials are sorted into commodities for reuse, recycled into other products such as compost, mulch, energy production, and other permitted and beneficial uses.

DISCUSSION

Subsection 64.060 (D) of the Measure D Charter Initiative states:

Contracts using Recycling Fund monies shall be made for periods not more than five (5) years, except that upon a finding of the Recycling Board that a longer period is necessary in order to implement a specific project, the Recycling Board may vote to allow a particular contract to be made for a period of not more than 10 years. No contract using Recycling Fund monies shall provide for an option to renew or any similar provisions that would result in the extension of a contract, on a less than fully competitive basis, for a cumulative period of more than five (5) years or, in the case of a contract which the Recycling Board has authorized to be made for a longer period for purposes of capitalization, more than 10 years.

In 1998, Resolution #98-3 was adopted to develop standard policies and procedures for the receipt and evaluation of applications from member agencies requesting use of Measure D monies for contracts exceeding five years in length. The adopted resolution procedures are as follows:

Every municipal applicant should submit information and data regarding:

1. Their other uses of Measure D funds in the previous and current fiscal years, and proposed for the upcoming year, if known, including the percentage of Measure D revenues used to reduce ratepayer rates for recycling collection services.
2. The circumstances of award of the contract under consideration.
3. The expected benefits or factors necessitating a contract term longer than five years.

Applicants requesting use of Measure D funds for contracts over eight years in length (and fewer than 10) shall also describe their good faith efforts to procure innovative services, where practical.

The City of Berkeley has provided the following documentation that meets the above policy requirements:

1. Uses of Measure D funds for fiscal years 21-22, 22-23 & 23-24

In fiscal year 2021-2022, the city spent \$151,804 supporting a variety of Measure D activities, including outreach and promotion, physical assets in recycling and organics carts, and mitigation fees for construction and demolition (C&D) debris from out of county. For fiscal years 2022-2023 and 2023-2024, the City anticipates using Measure D funds to cover similar programs and upfront costs. If the request to enter a contract longer than five years to continue hauling, sorting, recycling, and marketing services of C&D materials is approved by the Board, the City will spend remaining Measure D funds for those services.

Measure D expenses	FY 21.22 Spending	FY 22.23 Planned Spending	FY 23.24 Planned Spending
Outreach & Promotion	\$10,694	\$10,000	\$10,000
Organics and Recycling Carts	\$106,244	\$95,000	\$50,000
Construction & Demolition debris out of County Mitigation Fees	\$34,866	\$55,518	\$35,000
Construction & Demolition debris Recycling (1)	\$0	\$1,002,047	\$190,000
Total Planned Expenditures	\$151,804	\$1,162,565	\$285,000

(1) C&D contract was awarded through a competitive solicitation Request for Proposal (RFP) June 2022. Contract expenditures will be utilized to spend down fund balance

2&3. Circumstances of award and the benefits necessitating a contract term longer than five years:

The City of Berkeley will utilize Measure D funds to pay for a five-year contract with Zanker Recycling, LLC, to provide Construction and Demolition recycling services, which includes an option to extend services for an additional five years. Exercising the option to extend for an additional five years allows the City of Berkeley to continue recycling C&D materials uninterrupted, at a fair market price.

Contract and costs provided in Exhibit A.

RECOMMENDATION

Approve the City of Berkeley's request to utilize Measure D funds to pay for a contract with an initial five-year term, with the option to extend the contract for another five years (for a total of 10 years) for the hauling, sorting, recycling, and marketing services of C&D materials.

Exhibit A: [Contract between City of Berkeley and Zanker Recycling, LLC](#)

DATE: February 9, 2023
TO: Recycling Board
FROM: Timothy Burroughs, Executive Director
SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

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DATE: February 9, 2023

TO: Programs and Administration Committee
Planning Committee/Recycling Board

FROM: Meri Soll, Senior Program Manager
Cassie Bartholomew, Program Manager

SUBJECT: Waste Prevention Grants Update and Grantee Presentations

SUMMARY

The Agency utilizes several approaches to support waste prevention and build upstream infrastructure in Alameda County. One such approach is our long-running waste prevention grants program. StopWaste is offering a total of \$1.1 million in funding for projects that focus on innovative approaches to preventing waste in Alameda County. Periodically we bring selected grantees to present to the board for a deeper understanding of how our funding not only supports the environment via waste prevention but our local communities as well. Presenters will provide the board with an overview of their organization and the communities they serve, how they have utilized grant funds, and the impacts made as a result of the funding support.

DISCUSSION

Staff will provide an overview of the upcoming grants program, and the board will hear presentations from the following grantees:

Loved Twice provides newborns in need with high-quality, reused baby clothing for the first year of life. Loved Twice provides the missing link between those who have perfectly good infant clothes that no longer serve them and new parents in desperate need. Gently used baby clothes are sorted into complete wardrobes-in-a-box for the first year of life and are distributed through social workers in clinics, shelters, and hospitals such as Alta Bates Summit Medical Center and Highland Hospital in Oakland. StopWaste grant funds have allowed Loved Twice to increase the amount of clothes collected and redistributed to Alameda County mothers and babies in need – 600 wardrobe boxes were distributed in Alameda County in 2022 as a result of our funding.

Berkeley Food Network (BFN) seeks to end hunger and poor nutrition by using innovative, community-centered solutions to build a more sustainable, resilient, and equitable food system. By partnering with farms, retailers, restaurants, and other businesses, BFN recovers over 60 thousand pounds of surplus edible food every month. This food goes to their distribution programs and Hub Meal Program, where it is turned into nutritious, individually packaged and frozen vegetarian meals. Last year, StopWaste funding allowed BFN to expand their Food Recovery Program (FRP) as well as establish new donor relationships to secure kitchen ingredients for use in their Hub Kitchen and with food recovery organizations who have hot meal cooking programs. This allowed BFN to recover and distribute over 353 thousand pounds of surplus edible food, serving the equivalent of 294 thousand nourishing meals.

RECOMMENDATION

This item is for information only.